



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES

Wednesday, September 24, 2003

2003-0634 – San Jose Sabercats [Applicant] **Santa Clara Unified School District** [Owner]: Application for a Use Permit on a 71-acre site to allow a tent over the Sabercats practice field from November through July annually. The property is located at **1095 Dunford Avenue** in a PF (Public Facility) Zoning District. (APN: 313-10-004) EW

In attendance: Kevin Robins, Representing Applicant; Bryan Boone, San Jose Sabercats; Ray Smith, Neighbor; Ken Jorgensen, Neighbor; John Stava, Neighbor; Judith Petroski, Neighbor; Ian Prickett, Neighbor; Yan Dong, Neighbor; Erin Walters, Project Planner; Trudi Ryan, Administrative Hearing Officer; and, Gloria Barron, Recording Secretary.

Ms. Trudi Ryan, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Ryan announced the subject application.

Erin Walters, Project Planner, presented the staff report. She summarized the subject application and noted that a variety of correspondence was received, from the surrounding neighborhood, regarding the application. The input received expressed concerns about noise, negative aesthetics impacts to the neighborhood, height, and duration of the tent. Staff also noted that other issues, not related to the application, but to the site, such as trash, offsite parking and traffic were also brought up. Staff was unable to make the required Findings for the project and recommended denial of the Use Permit.

Ms. Ryan noted that she read the staff report and visited the site. She also noted that she read all of the correspondence submitted pertaining to the project, including, correspondence that arrived after the publication of the staff report.

Ms. Ryan first spoke about the applicant's intent to install the tent for 9 months during the rainy season. She noted that in one of the comments from the neighborhood it was noted that they did not believe the rainy season is 9 months. She asked staff if there was an official rainy season for the area. Staff responded that per the Storm Water Management Runoff Program different cities within the county have permits that run for 6 months, October through April. Ms. Ryan noted the months are slightly different from Condition of Approval #4 which, states November through April. Ms. Ryan asked staff what other kinds of temporary activities or measurable standards are in the zoning code that defines what is temporary. Staff responded that for temporary events such as a sidewalk sale at a parking lot or car wash you are allowed to have a 9-day duration up to 30 days in a row. She then stated that a temporary use permit could be used for tents or temporary trailers on

site for the duration of 6 months. Ms. Ryan clarified with staff that there are no height limits for the Zoning District and that it needs to be in scale with the surrounding area. Ms. Ryan asked staff if the neighborhood seemed satisfied with noise levels after the tent was adjusted. Staff responded that she received mixed feedback with some neighbors stating it was remedied and others stating it was not. Ms. Ryan then asked staff about the other issues brought up by the community, not relating to the project, and asked staff which departments she had contacted. Staff responded that all traffic related comments were transferred to the Transportation Division. She also stated that she contacted Parks and Recreation which in turn told her that they were limited as to what they could do because the property is not a City facility and is owned by the Santa Clara School District. Staff also contacted Public Safety to monitor the speeding concerns. Ms. Ryan stated that one of the letters raised concerns about endangered species on site and asked staff if that had been identified. Staff responded that she had not been able to identify burrowing owls on site and it did not appear that ground squirrels were an endangered species. Ms. Ryan then referred to storage containers on site and asked staff for further information. Staff responded that the containers come on and off site and it is something that the City has not approved. Staff suggested asking the applicant if the containers belong to them or are owned by another private user on site.

Ms. Ryan opened the public hearing.

Kevin Robins, Representing Applicant, received and reviewed a copy of the staff report. He stated that only one of the containers belongs to them and it is used to store tent materials. Mr. Robins gave a brief explanation about the reason for the tent. He stated that getting an unnatural field wet can get extremely slippery and causes injuries to players. Mr. Robins then stated that when they purchased the tent they had three colors options to choose from. He stated that they chose what they thought would best match the surrounding buildings. He further stated that they would be willing to change the dates in which the tent would be installed to 6 months. He stated that they would prefer assembling the tent the week after Thanksgiving and remove the tent June 1st. He then stated that within a week of being notified by the City of the noise complaints they secured the tent and met with the neighbors to make sure they were satisfied. Mr. Robins then spoke about the height of the tent and stated that the kicking of a football mandated the height of the tent and it is difficult to find a facility that would accommodate their needs. Mr. Robins stated that they water, mow and fertilize the adjacent natural football field for all community uses. He also noted that to keep the traffic down they have purposely stopped ticket holders from having outside events.

Bryan Boone noted that they have put a 10 foot high seam all around the tent in case they get graffiti they could take care of that whole section without having to remove the entire tent.

Mr. Robins stated that someone suggested perhaps painting the tent a different color but the tent is made out of a certain fabric where the paint would not attach well.

Ms. Ryan asked how long it takes to install the tent. Mr. Boone responded that it takes 5 days to install and 3 days to take down. Ms. Ryan then asked if they had considered a permanent structure. Mr. Robins stated that they have not considered that option because they have a year to year lease with the Santa Clara School District.

Mr. Boone stated that they contacted the concerned citizen about owl and the squirrels through email and noted on the site map where the owls were living and the squirrels were under the bleachers. Ms. Ryan clarified that the grounds are used by Peterson Middle School.

John Stava, Neighbor, clarified that the tent was up longer than April. He stated that the tent is huge, massive and ugly. He also stated that this area is classified as semi desert because it does not rain as often. He added that he feels there are other areas where they can practice. Mr. Stava stated that he feels it is inappropriate for them to practice in a neighborhood that is primarily single story. He also noted that on Saturday and Sunday he walked through the neighborhood and collected 26 signatures from residents opposed to the tent for any length of time. He stated the tent should not be approved for any length of time.

Ray Smith, Neighbor, spoke about the noise created by the flapping of the tent and stated that even though they tightened the tent down the problem was not resolved entirely. He then stated that he had his house appraised but because of the parking situation and the structure across the street his house was devalued by a large sum of money. Mr. Smith then referred to page 5 and 6 of the staff report and noted that the charts do not make reference to the other various activities that happen 7 days a week in the facilities. He also added that traffic is a real problem and people are parking in illegal parking places. He then spoke about the storage containers and felt the containers are an oversize load for that street. Mr. Smith felt that the Sabercats have the financial resources to find a better facility and should fine one. He stated that they do take good care of the field but there is a sign in the middle of the football field that states it is for private use and not public use.

Ian Prickett, Resident, expressed his concerns and stated that the size and character of the tent do not match the surrounding single family houses and single story buildings in the area. He then stated that the tent does not meet the City Guidelines and noted that the tent should not be approved. He agreed that this area does not get that much rain and stated that there is a real problem with parking.

Ken Jorgensen, Resident, stated that the Sabercats are a business organization and they should locate their facility where it does not impact a residential neighborhood. He also stated that the tent does not work with the neighborhood and should not be there.

Yan Dong, Resident, stated that he did not notice any of the improvements made to diminish the noise and that the noise can become very annoying. He stated that the

tent is ugly and does not match the surrounding neighborhood. He added that the morning weekend activities start very early and you cannot relax on the weekend.

Ms. Ryan stated that the application was a Land Use issue and financial ability of an applicant to do something is not part of the decision.

Judy Petroski, Resident, asked if the property would someday return to public school use. Ms. Ryan stated that the question could best be answered by the school district but it was her understanding that when they have closed school sites they do negotiate short term leases for use of facilities to protect that as an asset for future educational uses. Ms. Ryan encouraged members of the public to go to the School District with comments and concerns about other aspects.

Mr. Robins noted that they did go through the correct process of making sure they did have a Use Permit to use the facility as a practice facility. He then stated that when they got notification about the sound they took care of it within a week. He also stated that they cannot play on natural turf and it is very difficult to find a facility to that will accommodate their needs. He stated that there is a sign posted in the middle of the football field but only when they are practicing. He also clarified that they only have one container.

Ms. Ryan closed the public hearing.

Ms. Ryan stated that the subject application was for approval of a tent and that otherwise the use was already approved for the site. She agreed with staff and neighborhood comments that the tent structure is out of scale and architectural character with the neighborhood. She added that the scale concern is accentuated by the fact that the tent is devoid of architectural merit. She appreciated the need to cover the playing surface to protect the players from injury.

Ms. Ryan denied the Use Permit for the temporary tent and stated that if the permit was for one month the architecture and compatibility would be much less of a concern. She referred to the Findings stated that it is clear to her that it does not meet the objective of the Community Design Sub Element. Ms. Ryan then stated that it poses a detrimental effect to the neighborhood.

Ms. Ryan announced that the item was Pre-Appealed by the City Council to the Planning Commission and a hearing is scheduled for October 27, 2003. She noted that everyone who received notice of the hearing would also received notice of the future hearing. Ms. Ryan then stated that she would ask staff to work with other city staff on a coordinated program to help address the numerous concerns in this neighborhood.

The meeting was adjourned at 3:10 p.m.

Minutes approved by:

Trudi Ryan, Planning Officer